

City Council Introduction: **Monday**, April 2, 2001
Public Hearing: **Monday**, April 9, 2001, at **1:30 p.m.**

Bill No. 01-58

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3258**, from AGR Agricultural Residential to R-3 Residential, requested by Ross Engineering, Inc. on behalf of Aspen Builders, Inc., on property generally located at S.W. 27th Street and West "A" Street.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUEST: Change of Zone No. 3303 (01-59) and Preliminary Plat No. 00013, Aspen Ridge (01R73)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/18/00
Administrative Action: 10/18/00

RECOMMENDATION: Approval (9-0: Duvall, Schwinn, Steward, Newman Carlson, Taylor, Krieser, Hunter and Bayer voting 'yes').

FINDINGS OF FACT:

1. This change of zone was heard and acted upon by the Planning Commission at the same time as the original version of the Aspen Ridge Preliminary Plat No. 00013. The Preliminary Plat was subsequently revised and had a new public hearing before the Planning Commission on February 7, 2001, in associated with Change of Zone No. 3303.
2. The Planning staff recommendation to approve this change of zone request is based upon the "Analysis" as written in the original staff report dated October 4, 2000, as set forth on p.3-4.
3. The applicant's testimony is found on p.5-6.
4. There was no testimony in opposition.
5. On October 18, 2000, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 26, 2001

REVIEWED BY: _____

DATE: March 26, 2001

REFERENCE NUMBER: FS\CC\FSCZ3258

LINCOLN CITY/LANCASTER COUNTY PLANNING DEPARTMENT
STAFF REPORT

P.A.S.#: Change of Zone #3258

Date: October 4, 2000

PROPOSAL: Tom Cajka of Ross Engineering has applied for a Change of Zone #3258 from AGR, Agricultural Residential District to R-3 Residential District on property containing approximately 13.3 acres.

GENERAL INFORMATION:

APPLICANT: Tom Cajka
Ross Engineering
645 M Street, Ste 201
Lincoln, NE 68508
(402) 474-7677

LOCATION: S.W. 27th and W. A Streets

LEGAL DESCRIPTION: A portion of Lot 102 I.T. located in the Northwest Quarter of Section 33, T10N, R6E, Lincoln, Lancaster County, Nebraska, more specifically described as attached.

EXISTING ZONING: AGR, Agricultural Residential

SIZE: 13.26 acres, more or less

EXISTING LAND USE: Agricultural Residential and former Christmas tree farm

SURROUNDING LAND USE AND ZONING: Zoned AGR, Agricultural Residential with single family residences to the north; zoned R-2 residential with single family uses to the east; zoned AGR, Agricultural Residential with farm land to the south; zoned AGR, Agricultural Residential and H-4, Highway Commercial District to the west with single family residential uses and vacant ground.

COMPREHENSIVE PLAN SPECIFICATIONS: Shown as Urban Residential in the 1994 Lincoln-Lancaster County Comprehensive Plan.

HISTORY: Changed from AA Rural and Public Use District to AGR Agricultural Residential District with the 1979 zoning update.

UTILITIES & SERVICES:

- A. Sanitary Sewer: The Public Works Department noted that the construction of the sanitary sewer to serve this plat requires sewer outside the area of this plat. The easement for the sewer needs to be centered on the pipeline, not in the alignment shown.
- B. Water: The Public Works Department noted that the water system shown within the plat is satisfactory. A water main is required west of the plat to SW 27th Street in Washington Street, then north in SW 27th Street to W. A Street to provide adequate quantity and quality of water due to the long dead end that would occur if the water were only constructed to the limits of the proposed W. Washington Street paving.
- C. Streets: S.W. 27th Street is required to be paved with this plat. Sidewalks are required along S.W. 27th Street. The Public Works Department recommends approval of a waiver of the block length requirement along the north side of W. Washington Street.
- D. Drainage & Grading: The Public Works Department noted that additional drainage information is required with this plat. Headwater calculations assuming flow over A Street are needed. The lots upstream of A Street in this plat need to be graded to be protected from the headwater. The final design of the detention area and the design of the outlet structures are required prior to grading and prior to platting any lots adjacent to the detention facility.

There is a tributary to Middle Creek which drains through this area. The 100-year storm elevation and limits have been shown along Outlot "B" but not along Outlot "A". The 100-year storm limits should be shown along Outlot "A" and the plans should indicate that for Lots 5 and 6 of Block 4 so that no opening in any building or structure will be subject to flooding.

The applicant has indicated that there are no wetlands on the site, and that the area drained by the existing drainageway is below the threshold for the minimum flood corridor requirement.

- E. Schools: This property is in the Lincoln Public School district. Roper elementary school is southeast of this site. The Lincoln Public Schools noted a concern with the cul-de-sac shown for potential future layout in "Outlot C". The length of the drive and future cul-de-sac could present a problem for school buses to turn around.

ANALYSIS:

1. This is a request for a Change of Zone from AGR, Agricultural Residential District to R-3, Residential District. The developer originally proposed a change of zone to H-4 over the western quarter of the site, however has since withdrawn that request. This request is associated with Preliminary Plat #00013, Aspen Ridge and Change of Zone #3303.

2. The request for the change of zone from AGR to R-3 covers the eastern three-quarters of the site. The western quarter of the site is within the Airport Environs District 2. Residential uses are not permitted in the Airport Environs District 2. Change of Zone #3284 to delete all references to the Airport Environs District 2 was approved by the Planning Commission on October 4, 2000. It has not been approved by the City Council to date.
3. The Future Land Use map in the 1994 Lincoln-Lancaster County Comprehensive Plan shows the area for Urban Residential uses. The proposed change of zone is consistent with the Comprehensive Plan.
4. An avigation and noise easement has been submitted for review. The applicant will be required to file the easement with the Register of Deeds prior to scheduling final plats on the Planning Commission agenda.

STAFF RECOMMENDATION: Approval

Prepared by:

Jennifer L. Dam, AICP
Planner

**CHANGE OF ZONE NO. 3258
FROM AGR TO R-3 RESIDENTIAL
and
PRELIMINARY PLAT NO. 00013,
ASPEN RIDGE (First Version)**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 18, 2000

Members present: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer.

Planning staff recommendation: Approval of the change of zone and conditional approval of the preliminary plat.

Jennifer Dam of Planning staff submitted a letter from the West A Neighborhood Association in support.

Proponents

1. Tom Cajka of Ross Engineering gave a brief overview of the project. This project is for 59 lots--55 single family lots and four duplex lots--and three outlots. The duplex lots would be Lots 1, 2, 3 and 4; the remaining portion is single family, with entrances at West Washington going through to S.W. 27th Street, which will be the main entrance into the project. Future development in the area to the south would show connections to 26th and 25th Streets. They are showing a detention cell. The streets will be normal residential street widths with sidewalks on both sides. Phase I is for 18 lots on the east side of the detention cell.

Condition #1.1.7 requires the developer to provide a temporary turnaround at the southern terminus of S.W. 26th Street. Cajka believes the proposal meets the design standards and requested that this condition be deleted. He believes Public Works is in agreement.

Condition #1.1.12 requires the applicant to show W. Garfield going through to S.W. 27th Street. Cajka advised that they are showing Garfield Street to potentially be developed as a cul-de-sac. The Ldn 70 line may be redone in the future if the Airport proceeds with a new noise study. In this case, the developer believes he will be able to develop this area within 1.5 years. If the Ldn line remains the same, residential use is not allowed above the Ldn 70 line and the applicant would probably come back and request commercial zoning. They would not want a street to go through the commercial area if that is the case. Also, the cul-de-sac would be pulled back approximately 130', shortening the length of W. Garfield Street. The cul-de-sac would also give potential buyers the opportunity and the variety to choose between living on a dead-end cul-de-sac or a through street like W. Washington. There is still access to S.W. 27th on W. Washington and when the south part develops, another road could be requested at that time. Cajka believes that Duane Hartman is

intending to do that with his development of the area to the south. Cajka does not believe Public Works has a problem with the cul-de-sac. If W. Garfield remains as a cul-de-sac, Condition #1.1.13 should be amended to show two outlots north and south of West Washington, as opposed to three.

Condition #1.1.17 requires that the final design of the detention area and outlet structures be provided prior to grading. Cajka needs clarification whether this means prior to any grading or if that means finished grading. With approval of the NOI permit they would want to be allowed to do clearing, rubbing, stripping and rough grading while the final detention calculations are being submitted. Cajka suggested that the word "final" be inserted before "grading" in Condition #1.1.17.

There was no testimony in opposition.

Duvall asked staff about West Garfield becoming a cul-de-sac. Dam stated that staff has requested that W. Garfield Street go through as an application for development of the property to the south has not been submitted. The length of the proposed cul-de-sac does not exceed current design standards but staff is recommending a through street to provide more than one way into the development.

With regard to #1.1.7 (to provide a temporary turn-around at the southern terminus of S.W. 26th Street), Public Works thought they could use the intersection at W. Garfield for the turnaround so it was agreed that Condition #1.1.7 could be deleted.

Dennis Bartels of Public Works advised that the intent for Condition #1.1.17 (grading issue) was to have the design prior to the "final" grading. He does not object to what Cajka described, but he is not sure how to revise the condition.

Carlson noted the letter from the West A Neighborhood Association, asking that they be contacted if any changes are made. Not having W. Garfield go through might be a change to them. Cajka has not discussed the changes with the neighborhood. He has not discussed West Garfield not going through with the neighbors, but he believes overall they approved the project.

Steward wondered whether Outlot C would require another plat to be developed. He was advised that it would need another plat. Steward then observed that it could end up being anything and there is no guarantee if they show West Garfield going through now.

Public hearing was closed.

CHANGE OF ZONE NO. 3258

ADMINISTRATIVE ACTION BY PLANNING COMMISSION

October 18, 2000

Duvall moved approval, seconded by Hunter and carried 9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer voting 'yes'.

PRELIMINARY PLAT NO. 00013

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 18, 2000

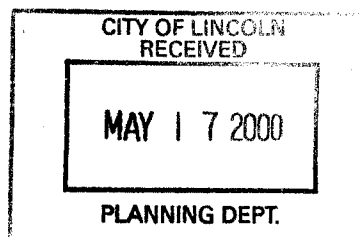
Duvall moved to approve the Planning staff recommendation of conditional approval, with amendment to delete Condition #1.1.7, deleting #1.1.12, amending #1.1.13 to "two" outlots, and amending Condition #1.1.17 to insert the word "final" prior to "grading", seconded by Hunter and carried 9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer voting 'yes'.

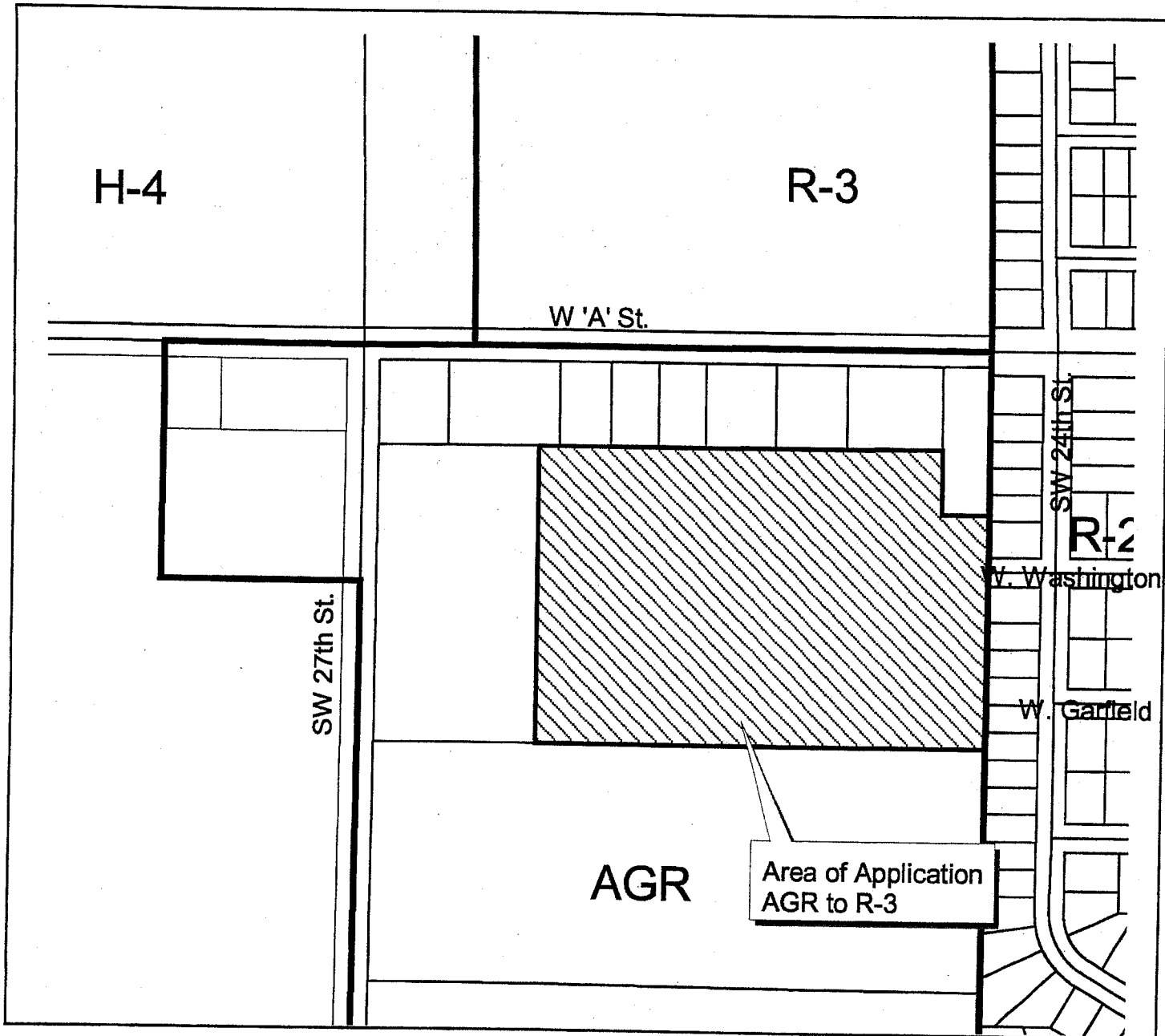
LEGAL DESCRIPTION

CHANGE OF ZONING 'AG' TO 'R-3' RESIDENTIAL

A Legal description of a portion of Lot 102 Irregular Tract, located in the Northwest Quarter of the Northwest Quarter of Section 33, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and more particularly described by metes and bounds as follows:

Referring to the Northwest Corner of Section 33, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; Thence S 00°17'42" W, (an assumed bearing), and on the West Line of the Northwest Quarter of said Section 33, a distance of 208.23 feet to the Northwest Corner of Lot 102 Irregular Tract of said Section 33; Thence N 89°51'48" E, and on the Northerly Line of Lot 102 or the Southerly Line of Lots 128 and 129 Irregular Tracts of said Section 33, a distance of 376.06 feet to the POINT OF BEGINNING; Thence continuing on the last described course, N 89°51'48" E, and on the Northerly Line of Lot 102 or the Southerly Line of Lots 129, 75, 99, 98, 97, 96 and 95 Irregular Tracts of said Section 33, a distance of 848.55 feet to the North-Northeasterly Corner of Lot 102 or the Southeasterly Corner of Lot 95 Irregular Tract and also said point is on the Westerly Line of Lot 94 Irregular Tract of said Section 33; Thence S 00°03'41" W, and on the Easterly Line of Lot 102 or the Westerly Line of Lot 94 Irregular Tracts of said Section 33, a distance of 134.78 feet to the Southwesterly Corner of Lot 94 Irregular Tract of said Section 33; Thence N 89°48'23" E, and on the Northerly Line of Lot 102 or the Southerly Line of Lot 94 Irregular Tracts of said Section 33, a distance of 100.19 feet to the East-Northeasterly Corner of Lot 102 or the Southeasterly Corner of Lot 94 Irregular Tracts and also said point is on the East Line of the West Half of the Northwest Quarter of said Section 33 or the Westerly Line of Lot 5, Block 14, Westbrook Addition to the City of Lincoln, a subdivision of Lots 62, 72, 132 and 133 Irregular Tracts, located in the East Half of the Northwest Quarter of Section 33, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; Thence S 00°07'00" W, and on the East Line of the West Half of the Northwest Quarter and Lot 102 Irregular Tract of said Section 33 or the Westerly Line of said Westbrook Addition, a distance of 488.79 feet to the Southeasterly Corner of Lot 102 or the Northeasterly Corner of Lot 38 Irregular Tracts of said Section 33; Thence N 89°59'43" W, and on the Southerly Line of Lot 102 or the Northerly Line of Lot 38 Irregular Tracts of said Section 33, a distance of 950.79 feet; Thence N 00°17'41" E, a distance of 621.14 feet to the point of beginning and containing a calculated area of 577,569.32 square feet or 13.259 acres, more or less



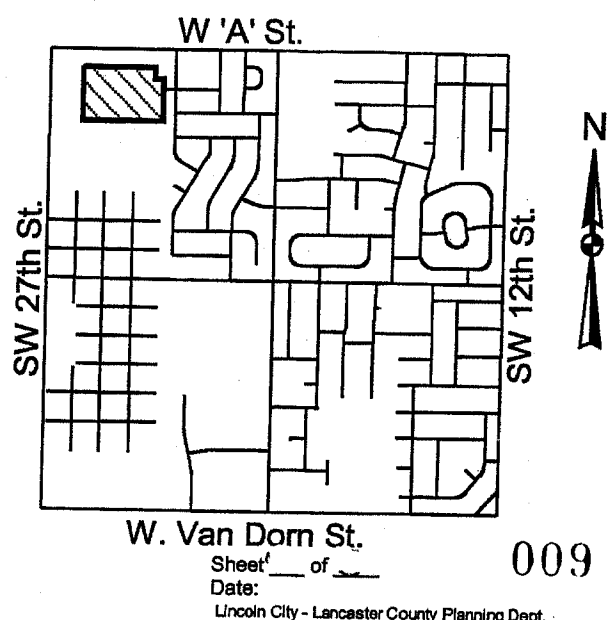
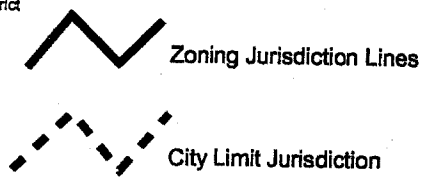


**Change of Zone 3258
Aspen Ridge
SW 24th & W 'A' St.**

Zoning:

- R-1 to R-3 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 33 T10N R6E





**Change of Zone 3258
Aspen Ridge
SW 24th & W 'A' St.**



Sheet _____ of _____
Date: _____

Photograph Date: 1999
Lincoln City - Lancaster County Planning Dept.